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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/392,626	09/09/1999	SHIN MOGI	35.C13816	1507
5514	7590	11/05/2003	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			PHAM, HAI CHI	
			ART UNIT	PAPER NUMBER
			2861	

DATE MAILED: 11/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/392,626

Applicant(s)

MOGI ET AL.

Examiner

Hai C Pham

Art Unit

2861

WJ

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 August 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 27-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 27-44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

**FINAL REJECTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 27-30, 32, 34-39, 41, 43, 44 are rejected under 35 U.S.C. 102(e) as being anticipated by Asami (JP 10-244707).

Regarding the base claims 27 and 37, Asami discloses an optical deflection-scan apparatus comprising a light source unit (Fig. 2) comprising a laser light source (1) and a driving circuit board (14) for driving said laser light source, said laser light source including a laser chip having a plurality of emission points (semiconductor laser chip with two light emission points P<sub>1</sub> and P<sub>2</sub>, Fig. 5) for emitting laser beams and a terminal (lead pins 1a, Fig. 6) for energizing the laser chip, said driving circuit board (14) being

connected to the terminal of said laser light source (via small substrate 15) and having a longitudinal edge (driving circuit board 114 having a horizontal longitudinal edge, as shown in Fig. 8 in the direction parallel to the paper), scanning means (polygon mirror 5, Fig. 1) for scanning a surface (of drum 7) to be scanned with the laser beams emitted by said light source unit, and a housing (optical box 10 in Fig. 2) having a wall wherein said housing contains said scanning means and supports said light source unit on the wall (Figs. 2, 8), and wherein the terminal (1a) of said laser light source (1) is fixed to said driving circuit board (14) (each of the lead pins (1a) of the semiconductor laser (1) is soldered to the connection part (15b) of the small substrate (15), and the connection part (15b) in turn is soldered to the connection pattern (14b) of the driving substrate (14) making the final connection between the terminal of the semiconductor laser and the driving substrate) (see paragraph [0027] of the English translation), such that a straight line passing the plurality of emission points of said laser light source is inclined with respect to the longitudinal edge of said driving circuit board (to adjust the scanning line spacing, the multi-beam laser 1 is rotated without rotating the driving substrate 14) (See paragraphs [0012] and [0016] of the English translation).

With regard to claim 28, Asami further the longitudinal edge of said driving circuit board being arranged substantially in parallel with the longitudinal edge of the wall of said housing (Fig. 8).

As to claims 29 and 38, Asami teaches the driving circuit board having a substantially rectangular shape (Fig. 7).

Art Unit: 2861

As to claims 30 and 39, Asami teaches the light source unit comprising a holder (21) holding the laser light source.

With regard to claims 32, 41, Asami teaches the plurality of emissions points ( $P_1$  and  $P_2$ ) of the laser light source being arranged linearly.

With regard to claims 34, 43, Asami also discloses the light source unit comprising a collimator lens (2) for collimating the laser beams emitted from said laser light source and a lens barrel (13) holding said collimator lens, said lens barrel being integrated with said holder (Fig. 2).

With regard to claims 35, 44, Asami teaches the laser light source being a multi-beam semiconductor laser.

With regard to claim 36, Asami also discloses the scanning means comprising a rotary polygon mirror (5) for deflecting the laser beams emitted by said light source unit and an imaging lens (6, Fig. 1) for focusing the laser beams deflected by said rotary polygon mirror.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 31 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Asami in view of Aoki (U.S. 5,408,493).

Art Unit: 2861

Asami discloses all the basic limitations of the claimed invention except for the laser array being fixed with an inclination with respect to a reference surface of the laser holder.

However, Aoki discloses a laser scanning apparatus in which the laser (6, Fig. 4B) has an angle-adjusting holder (12) for adjusting an inclination angle with respect to the fixed plate (11) to obtain a desired point image position on the surface to be scanned.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the device of Asami with the aforementioned teaching of Aoki. Doing so would allow the adjustment of the optical path of the laser beam to produce an image point at a desired position on the surface to be scanned.

5. Claims 33 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Asami in view of Nakajima et al. (U.S. 5,999,345).

Asami discloses all the basic limitations of the claimed invention except for the multi-beam semiconductor laser having a plurality of two-dimensionally arrayed emission points.

However, it is well known in the art that the selection of one-dimensional or two-dimensional array lasers in an optical scanning device would be a matter of design choice to fit a specific requirement. Nakajima et al., for example, discloses a laser holder that can support a one-dimensional or two-dimensional laser array while allowing the adjustment of the distance between the multiple laser beams (Figs. 1, 3, 5 and 6).

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the laser holder of Asami to hold a plurality of two-dimensional laser arrays as taught by Nakajima et al. Doing so would allow to increase the printing speed of the laser printer. Moreover, the implementation of such laser holder would involve only routine skill in the art.

### ***Response to Arguments***

6. Applicant's arguments with respect to claims 27-44 have been considered but are moot in view of the new grounds of rejection presented in this Office action

With regard to Applicants' arguments, concerning that "the Asami, et al. document [JP 10-10447] does not describe ... a driving circuit board *to which the terminal of the laser light source is fixed*", suggesting that the terminal of the laser light source *should be directly* fixed to the driving circuit board, it is noted that the specification did not indicate nor require such *direct* connection. Indeed, the disclosure teaches the multi-beam semiconductor laser 11 being mounted in the laser holder 11a, rotated through a predetermined rotational angle for adjusting in advance the inclination angle of the straight line. After the adjustment, the laser 11 is fixed to the laser holder 11a to obtain a unit, which is then fixed to the sidewall 8a of the optical box 8 with screws 11b for a final adjustment of the line interval T, the final adjustment being done after the driving circuit board 13 is *mounted on the laser holder 11a*. By the above teaching, the connection between the terminal of the laser light source and the driving circuit board is somehow made such that the laser light source can be controlled, but a

Art Unit: 2861

*direct connection* between the terminal of the laser light source and the driving circuit board appears to be secondary or irrelevant to the present invention. By interpreting claims 27 and 37 in light of the specification, Asami '707 discloses all the recited limitations including the terminal of the laser light source being connected to the driving circuit board [via the small substrate 15] while the laser light source being rotated to adjust the beam spacing without rotating the driving circuit board such that a straight line passing through the light emission points  $P_1$  and  $P_2$  is inclined with respect to the longitudinal edge of the driving circuit board.

### **Conclusion**

7. Applicants' amendment, which changes the scope of each of the base claims 27 and 37, necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.



Art Unit: 2861

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai C Pham whose telephone number is (703) 308-1281. The examiner can normally be reached on T-F (8:30-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Benjamin R. Fuller can be reached on (703) 308-0079. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



HAI PHAM  
PRIMARY EXAMINER

October 21, 2003